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Trade and Employment Effects of the Andean Trade Preference Act - 2011

Abstract

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Keywords

Andean Trade Preference Act, U.S. employment, imports

Comments

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**TRADE AND EMPLOYMENT EFFECTS OF THE
ANDEAN TRADE PREFERENCE ACT**

Nineteenth Annual Report for 2012
Submitted to the Congress
Pursuant to Section 207 of the
Andean Trade Preference Act

Prepared by
The U.S. Department of Labor
Bureau of International Labor Affairs

TRADE AND EMPLOYMENT EFFECTS OF THE ANDEAN TRADE PREFERENCE ACT

The submission of this report to the Congress continues a series of annual reports by the U.S. Department of Labor (DOL) on the trade and employment effects of the Andean Trade Preference Act (ATPA).¹ This nineteenth report covers calendar year 2011 and concludes that preferential tariff treatment under the provisions of the original ATPA and its subsequent amendments has neither had an adverse impact on, nor posed a significant threat to, overall levels of U.S. employment.

HISTORY AND SCOPE OF THE ATPA

The ATPA, enacted on December 4, 1991 (Pub. L. No. 102-182, Title II, 105 Stat. 1236), was part of a larger Andean Initiative that the United States launched that year. The primary goal of the Andean Initiative was to expand private sector opportunities and investment in nontraditional sectors of the Andean countries as an alternative to production of illegal drugs and to help them diversify their economies and expand their exports. The ATPA authorized the President to proclaim duty-free treatment for eligible articles from Bolivia, Colombia, Ecuador, and Peru. The President proclaimed duty-free treatment of certain eligible articles from Bolivia and Colombia on July 2, 1992, Ecuador on April 13, 1993, and Peru on August 11, 1993.

ATPA preferential duty treatment expired on December 4, 2001, but was renewed by the Andean Trade Promotion and Drug Eradication Act (ATPDEA) to apply to imports as of December 5, 2001, as part of the Trade Act of 2002 (Pub. L. No. 107-210, Div. C, Title XXXI, 116 Stat. 1024) on August 6, 2002. The ATPDEA significantly expanded the product coverage of the ATPA program.² The ATPA, as amended and expanded by the ATPDEA, will be referred to hereafter in this report as the ATPA. The ATPA was scheduled to expire on December 31, 2006. Since then, Congress authorized several short-term extensions of the program, before allowing the ATPA to expire on February 12, 2011. The program remained expired until October 21, 2011, when it was renewed retroactively to the expiration date and until July 31, 2013.

While the 2002 ATPDEA amendments significantly expanded the scope of the ATPA by expanding product coverage, in recent years the scope of the ATPA has narrowed in terms of country eligibility.

Because of Bolivia's failure to meet ATPA eligibility criteria related to counternarcotics cooperation, Presidential decisions have suspended Bolivia's designation as a beneficiary country under the ATPA since December 15, 2008.

¹ Section 207 of the ATPA directed the Secretary of Labor to undertake a continuing review and analysis of the impact of ATPA preferences on U.S. employment and submit a summary report of such analysis annually to the Congress.

² Newly eligible items included petroleum and petroleum products; some leather items including certain gloves and footwear; tuna packaged in foil pouches; and certain watches and watch parts. Many items from the beneficiary countries that had previously been granted reduced rates of duty under the ATPA, including handbags, luggage, flat goods, work gloves, and leather wearing apparel from the beneficiary countries, were granted duty-free eligibility under the ATPDEA amendments. Additionally, the ATPDEA amendments permit certain apparel from the Andean region to enter the United States duty-free provided that special entry requirements are met.

Bilateral trade promotion agreements have also curtailed the use of ATPA preferences. The United States – Peru Trade Promotion Agreement (PTPA) entered into force on February 1, 2009. The PTPA made permanent some benefits similar to the ones that Peru received under the ATPA and further liberalizes trade with the United States in other areas. Because the PTPA did not entirely supplant the ATPA, Peru remained a designated beneficiary country of the ATPA until December 31, 2010.³ Accordingly, in 2011 Peru was not an ATPA beneficiary country and is no longer within the scope of assessment.

The United States – Colombia Trade Promotion Agreement (CTPA) entered into force on May 15, 2012. The CTPA made permanent some benefits similar to the ones that Colombia received under the ATPA and further liberalizes trade with the United States in other areas. Colombia lost ATPA beneficiary status at that time.

As of May 16, 2012, Ecuador was the only ATPA beneficiary country.

In addition to the reduction of country eligibility for the ATPA, the margin of preference available to ATPA beneficiary countries vis-à-vis other countries has been reduced. The United States has granted unilateral trade preferences with no expiration date to the Caribbean Basin Economic Recovery Act (CBERA) beneficiary countries and expanded benefits to a number of developing sub-Saharan African nations through the African Growth and Opportunity Act (AGOA) that provides duty-free entry for many of the same items covered by the ATPA.⁴ The United States has also negotiated a number of free trade agreements that have entered into force.⁵ Further, many U.S. trade barriers have been reduced for all Normal Trade Relations (NTR) trading partners as the result of the conclusion and implementation of the WTO's Uruguay Round of multilateral trade negotiations.

The narrowing scope of ATPA country coverage and the erosion of the margin of preference are main factors limiting the effect that the ATPA could have on employment in the United States. DOL's continuing review and assessment of trade data confirm negligible overall employment effects.

SUMMARY ASSESSMENTS OF THE TRADE AND EMPLOYMENT EFFECTS OF THE ATPA

This report covers calendar year 2011, when just Ecuador and Colombia were beneficiary countries. During 2011, the ATPA lapsed for a little more than seven months. Although the renewal of the program in October 2011 allowed for exporters to the United States from Ecuador or Colombia to apply retroactively for ATPA benefits, trade statistics available to the DOL do not include retroactive entries.

³ In some cases, items that would not qualify for duty-free entry under the PTPA may have qualified for duty-free entry under the ATPA as the ATPA has less restrictive rules of origin than the PTPA. For example, the PTPA requires that apparel items be made from yarn and fabric produced in the United States or Peru to qualify for duty-free treatment. Under the ATPA, the yarn and fabric could have been from the other ATPA beneficiary countries, in addition to the United States and Peru.

⁴ For more information see: <http://www.ustr.gov/trade-topics/trade-development/preference-programs>.

⁵ For more information see: <http://www.ustr.gov/trade-agreements/free-trade-agreements>.

Previous editions of this report have relied on a detailed yearly analysis of U.S. import and domestic employment in the industries receiving significant exclusive benefits under the ATPA. Because DOL cannot identify which products received such benefits for most of 2011, such analysis is not possible in this edition. Instead, DOL places overall trade in 2011 between the United States and the beneficiary countries in the context of findings from its previous reports.⁶

Table 1 presents statistics on trade with ATPA beneficiaries over the years 1992 to 2011, summarizes overall employment effects found in prior editions of this report, and extends the employment assessment to 2011.⁷ During this period, U.S. merchandise exports to the ATPA beneficiary countries have accounted for between 0.9 and 2.0 percent of total U.S. merchandise exports to all countries, and stood at 1.4 percent in 2011. U.S. merchandise imports from the ATPA beneficiary countries have accounted for between just 0.8 and 1.5 percent of all U.S. merchandise imports from all sources, and stood at 1.5 percent in 2011. The share of these imports that were eligible for ATPA duty-free treatment ranged from 1.9 to 19.7 percent prior to 2003, the first full year in which expanded product coverage under the ATPDEA amendments was in effect. Since 2003, this share has fluctuated between 47.0 and 60.5 percent. Throughout the period from 1992 to 2010, DOL was unable to detect an impact on overall U.S. employment. Because available trade statistics for 2011 are within ranges observed over earlier years, and most similar to recent years, it is unlikely that an impact of the ATPA on overall U.S. employment in 2011 would have been detected if DOL's more detailed methodology could have been used.

Even when the effect on overall U.S. employment is negligible, there may still be important effects on certain industries. Over the years, DOL has examined industry level trade and employment trends for industries where the ATPA may have plausibly had an effect.⁸ Table 2 summarizes the results of these industry-level assessments. It suggests it may be the case that increased imports of certain fresh cut flowers and asparagus due to the ATPA trade preferences may have displaced some growers and workers in the United States. However, prior editions of this report have noted that it is difficult to isolate conclusively the factors responsible for these trends. Imports of asparagus under the ATPA were dominated by Peru, and imports of fresh cut flowers under the ATPA were dominated by Colombia. Because Peru was not an ATPA beneficiary in 2011, possible ATPA-related effects on asparagus ceased before then. As Colombia remained an ATPA beneficiary in 2011, it is likely that the previous conclusions with respect to cut flowers continue to be relevant for 2011. However, as of 2012, Colombia is no longer an ATPA beneficiary, so the relevance of the ATPA to the cut flower industry has now ceased as well.

⁶ Throughout this report, figures for imports from the “beneficiary countries” refer to the beneficiary countries in that specific year. The beneficiary countries for 2011 are Colombia and Ecuador. The beneficiary countries for 2009 and 2010 are Colombia, Ecuador, and Peru. The beneficiary countries for previous years also include Bolivia.

⁷ Previous reports are available at <http://www.dol.gov/ilab/media/reports/otla/atpamain.htm>. Trade data reported in all editions of this report are DOL compilations from official statistics by the U.S. Department of Commerce, Bureau of the Census. In recent years, data have been extracted from the U.S. International Trade Commission's (USITC) Interactive Tariff and Trade Dataweb. The USITC Interactive Tariff and Trade Dataweb is available at <http://dataweb.usitc.gov/>. Data series reported are U.S. imports for consumption and U.S. domestic exports. All trade data are in nominal terms.

⁸ The precise criteria for choice of industries for examination changed over the years, but always included a sufficiently large volume of trade with the United States, a sufficiently high incidence of ATPA-preference usage, or both.

FINDINGS

The main finding of this report is that preferential tariff treatment under the provisions of the original ATPA and the ATPDEA amendments has neither had an adverse impact on, nor posed a significant threat to, overall levels of U.S. employment. At the industry level there is some historical evidence to suggest that increased imports of certain fresh cut flowers and asparagus due to the ATPA trade preferences may have displaced some growers and workers in the United States, although that remains difficult to demonstrate conclusively and is less relevant now and in the future because Peru and Colombia are no longer beneficiary countries. Because just one country (Ecuador) continues to be eligible for ATPA benefits, the ATPA effects that have for many years been negligible to small are becoming even more so.

**Table 1. Summary of Overall Trade and Employment Effects of
the Andean Trade Preference Act, 1993-2011**

Year	Percentage of Total U.S. Merchandise Exports Sent to ATPA Beneficiary Countries	Percentage of Total U.S. Merchandise Imports Received from ATPA Beneficiary Countries	Percentage of Merchandise Imports from the ATPA Beneficiary Countries that Entered Duty-Free Treatment under the ATPA	DOL Assessment of Likely Overall Employment Effect
2011	1.4	1.5	Not Available	No impact likely.
2010	2.0	1.5	51.1	No impact detected.
2009	1.8	1.3	47.0	No impact detected.
2008	1.7	1.4	60.5	No impact detected.
2007	1.4	1.1	58.8	No impact detected.
2006	1.3	1.2	59.9	No impact detected.
2005	1.1	1.2	57.1	No impact detected.
2004	1.1	1.1	54.0	No impact detected.
2003	1.0	0.9	50.1	No impact detected.
2002	1.0	0.8	10.4	No impact detected.
2001	1.0	0.8	17.5	No impact detected.
2000	0.9	0.9	17.8	No impact detected.
1999	1.0	1.0	17.8	No impact detected.
1998	1.4	0.9	19.7	No impact detected.
1997	1.3	1.0	15.6	No impact detected.
1996	1.3	1.0	16.1	No impact detected.
1995	1.4	0.9	13.5	No impact detected.
1994	1.3	0.9	11.6	No impact detected.
1993	1.2	0.9	7.6	No impact detected.
1992	1.3	1.0	1.9	No impact detected.

Note: The beneficiary countries for 2011 are Colombia and Ecuador. The beneficiary countries for 2009 and 2010 are Colombia, Ecuador, and Peru. The beneficiary countries for previous years also include Bolivia. The value of U.S. exports is the free alongside ship (FAS) value of domestic U.S. exports at the U.S. port of export. The value of U.S. imports is the customs value of U.S. imports for consumption.

Source: Compiled from official statistics of the U.S. Department of Commerce, Bureau of Census, and previous editions of this report, available at <http://www.dol.gov/ilab/media/reports/otla/atpamain.htm> .

Table 2. Summary of DOL Assessment of Possible Employment Effects of the ATPA and the U.S. Industry Level, 1993-2011

Year	Industries Examined in DOL Report¹	Possible Sectoral U.S. Employment Effects Identified
2011	N/A	N/A
2010	<ul style="list-style-type: none"> • NAICS 11142 – Nursery products, flowers, seeds, and foliage • NAICS 21111 – Oil and gas • NAICS 31171 – Prepared, canned, and packaged seafood products 	“At the industry-level, trends in U.S. domestic production and U.S. imports from the beneficiary countries since implementation of the ATPA suggest that it may be the case that increased imports of certain fresh cut flowers due to the ATPA trade preferences may have displaced some growers and workers in the United States; however, given the complexities involved it is difficult to isolate conclusively the factors responsible for these trends.”
2009	<ul style="list-style-type: none"> • NAICS 11142 – Nursery products, flowers, seeds, and foliage • NAICS 21111 – Oil and gas • NAICS 31171 – Prepared, canned, and packaged seafood products 	“At the industry-level, trends in U.S. domestic production and U.S. imports from the beneficiary countries since implementation of the ATPA suggest that it may be the case that increased imports of certain fresh cut flowers due to the ATPA trade preferences may have displaced some growers and workers in the United States; however, given the complexities involved it is difficult to isolate conclusively the factors responsible for these trends.”
2008	<ul style="list-style-type: none"> • NAICS 11121—Vegetables and melons • NAICS 11142—Nursery products, flowers, seeds, and foliage • NAICS 21111—Oil and gas • NAICS 31171—Prepared, canned, and packaged seafood products • NAICS 31194—Seasonings, dressings, and other prepared sauces • NAICS 31511—Hosiery and sock 	“At the industry-level, trends in U.S. domestic production and U.S. imports from the beneficiary countries since implementation of the ATPA suggest that it may be the case that increased imports of certain fresh cut flowers and asparagus due to the ATPA trade preferences may have displaced some growers and workers in the United States; however, given the complexities involved it is difficult to isolate conclusively the factors responsible for these trends.”
2007	<ul style="list-style-type: none"> • NAICS 11121—Vegetables and melons • NAICS 11142—Nursery products, flowers, seeds, and foliage • NAICS 21111—Oil and gas • NAICS 31171—Prepared, canned, and packaged seafood products • NAICS 31222—Tobacco products • NAICS 31511—Hosiery and socks • NAICS 33141—Nonferrous metal (except aluminum) smelting and refining 	“At the industry-level, trends in U.S. domestic production and U.S. imports from the beneficiary countries since implementation of the ATPA suggest that increased imports of certain fresh cut flowers and asparagus due to the ATPA trade preferences may have displaced some growers and workers in the United States; however, given the complexities involved it is difficult to isolate conclusively the factors responsible for these trends.”

Table 2 (continued)

Year	Industries Examined in DOL Report¹	Possible Sectoral U.S. Employment Effects Identified
2006	<ul style="list-style-type: none"> • NAICS 11142—Nursery products, flowers, seeds, and foliage • NAICS 21111—Oil and gas • NAICS 21229—Other Metal Ores • NAICS 31171—Prepared, canned, and packaged seafood products • NAICS 31222—Tobacco products • NAICS 31511—Hosiery and socks • NAICS 33141—Nonferrous metal (except aluminum) smelting and refining 	<p>“At the industry-level, trends in U.S. domestic production and U.S. imports from the beneficiary countries since implementation of the ATPA suggest that increased imports of certain fresh cut flowers due to the ATPA trade preferences may have displaced some growers and workers in the United States; however, given the complexities involved it is difficult to isolate conclusively the factors responsible for this trend.”</p>
2005	<ul style="list-style-type: none"> • NAICS 11142—Nursery products, flowers, seeds, and foliage • NAICS 21111—Oil and gas • NAICS 31222—Tobacco products • NAICS 31511—Hosiery and socks • NAICS 33141—Nonferrous metal (except aluminum) smelting and refining 	<p>“... it is difficult to identify major adverse effects on U.S. employment in each of the U.S. industries that produced products similar to those in the five import product groups.”</p>
2004	<ul style="list-style-type: none"> • NAICS 11142—Nursery products, flowers, seeds, and foliage • NAICS 21111—Oil and gas • NAICS 31222—Tobacco products 	<p>“... it is difficult to identify major adverse effects on U.S. employment in each of the U.S. industries that produced products similar to those in the three import product groups.”</p>
2003	<ul style="list-style-type: none"> • NAICS 11142—Nursery products, flowers, seeds, and foliage • NAICS 31222—Tobacco products • NAICS 33141—Nonferrous metal (except aluminum) smelting and refining 	<p>“...it is difficult to identify major adverse effects on U.S. employment in each of the U.S. industries that produced products similar to those in the three import product groups.”</p>
2002	<ul style="list-style-type: none"> • NAICS 11121—Vegetables and melons • NAICS 11142—Nursery products, flowers, and seeds • NAICS 21111—Oil and gas • NAICS 31222—Tobacco products • NAICS 32411—Petroleum refinery products • NAICS 32551—Paints and coatings • NAICS 33141—Nonferrous metals • NAICS 33991—Jewelry and silverware 	<p>“For each of the U.S. industries that produced products similar to the eight import groups, it is difficult to identify major adverse effects on U.S. employment. However employment in five of the six manufacturing industries declined during 2002, and employment levels in all six have been on a general downward trend since 1990. To the degree that the ATPA duty-free provisions have increased imports of these manufactured products, given the employment trends, it is likely that some workers have been displaced by these imports. The decline in the domestic production of some cut flowers (in particular, fresh-cut chrysanthemums, standard carnations, and roses) and any employment declines associated with it, may have been due in part to imports of these cut flowers from the ATPA beneficiaries and these cut flower imports have likely been increased due to the duty-free provisions of the ATPA.”</p>

Table 2 (continued)

Year	Industries Examined in DOL Report¹	Possible Sectoral U.S. Employment Effects Identified
2001	<ul style="list-style-type: none"> • SIC 016—Vegetables and melons • SIC 203—Prepared fruits and vegetables • SIC 206—Sugar and confectionery products • SIC 211—Cigarettes • SIC 285—Paints, varnishes, and lacquers 	<p>“For each of the U.S. industries that produced products similar to the five import groups, it is difficult to identify major adverse effects on U.S. employment... During the last several years, ATPA duty-free imports of these items have moderated with a decline in imports of chrysanthemums and standard carnations (due primarily to price decreases)... It is possible that the decline in the domestic production of these cut flowers, and any employment declines associated with it, may have been due in part to imports of these cut flowers from the ATPA beneficiaries, but it is also possible that other trade or non-trade factors may also have been in part responsible.”</p>
2000	<ul style="list-style-type: none"> • SIC 016—Vegetables and melons • SIC 206—Sugar and confectionary products • SIC 281—Industrial inorganic chemicals • SIC 325—Structural clay products • SIC 333—Primary nonferrous metals 	<p>“For each of the U.S. industries that produced products similar to the five import groups, it is difficult to identify major adverse effects on U.S. employment... Previous reports have concluded that the cut flower industry (in particular, fresh cut chrysanthemums, standard carnations, and roses) may have been impacted by the duty-free provisions of the ATPA... It is possible that the decline in the domestic production of these cut flowers, and any employment declines associated with it, may have been due in part to imports of these cut flowers from the ATPA beneficiaries, but it is also possible that other trade or non-trade factors may also have been in part responsible.”</p>
1999	<ul style="list-style-type: none"> • SIC 016—Vegetables and melons • SIC 209—Miscellaneous food products • SIC 281—Industrial inorganic chemicals • SIC 325—Structural clay products • SIC 333—Primary nonferrous metals • SIC 334—Secondary nonferrous metals 	<p>“For each of the U.S. industries that produced products similar to the seven import groups, it is difficult to identify major adverse effects on U.S. employment... Previous reports have concluded that the cut flower industry (in particular, fresh cut chrysanthemums, standard carnations, and roses) may have been impacted by the duty-free provisions of the ATPA... it is possible that the decline in the domestic production of these cut flowers, and any employment declines associated with it, may have been due in part to imports of these cut flowers from the ATPA beneficiaries, but it is also possible that other trade or non-trade factors may also have been in part responsible.”</p>
1998	<ul style="list-style-type: none"> • SIC 018—Horticultural specialties • SIC 285—Paints and varnishes • SIC 333—Primary nonferrous metals • SIC 334—Secondary nonferrous metals • SIC 335—Nonferrous rolled and drawn products • SIC 387—Watches and clocks 	<p>“For each of the U.S. industries that produced products similar to the six import groups, it is difficult to identify major adverse effects on U.S. employment. It is possible that the decline in the production of cut roses, pompon chrysanthemums, standard chrysanthemums, and standard carnations in the United States, and any employment declines associated with it, may have been due in part to imports of these cut flowers from the ATPA beneficiaries, but it is also possible that other trade or non-trade factors may also have been in part responsible.”</p>

Table 2 (continued)

Year	Industries Examined in DOL Report¹	Possible Sectoral U.S. Employment Effects Identified
1997	<ul style="list-style-type: none"> • SIC 016—Vegetables and melons • SIC 018—Horticultural specialties • SIC 281—Industrial inorganic chemicals • SIC 333—Primary nonferrous metals • SIC 335—Nonferrous rolled and drawn products 	“For each of the U.S. industries that produced products similar to the five import groups, it is difficult to identify major adverse effects on U.S. employment. It is possible that the decline in the production of cut roses, pompon chrysanthemums, standard chrysanthemums, and standard carnations in the United States, and any employment declines associated with it, may be due in part to imports of these cut flowers from the ATPA beneficiaries; it is also possible that other trade or non-trade factors may also be in part responsible.”
1996	<ul style="list-style-type: none"> • SIC 016—Vegetables and melons • SIC 018—Horticultural specialties • SIC 206—Sugar and confectionary products • SIC 209—Miscellaneous food products • SIC 334—Secondary nonferrous metals • SIC 335—Nonferrous rolled and drawn products • SIC 391—Jewelry and silverware 	“For each of the U.S. industries that produced products similar to the seven import groups, it is difficult to identify major adverse effects on U.S. employment. It is possible that the decline in the production of cut roses in the United States, and any employment declines associated with it, may be due in part to imports of cut roses from ATPA beneficiaries; it is also possible that other trade or non-trade factors may also be in part responsible.”
1995	<ul style="list-style-type: none"> • SIC 016—Vegetables and melons • SIC 018—Horticultural specialties • SIC 206—Sugar and confectionary products • SIC 209—Miscellaneous food products • SIC 325—Structural clay products • SIC 391—Jewelry and silverware 	“For U.S. industries that produced similar products, it is difficult to identify any major adverse U.S. employment effects although a slight employment decline in the domestic cut rose industry may be due to the duty-free provisions of the ATPA.”
1994	<ul style="list-style-type: none"> • SIC 018—Horticultural specialties • SIC 209—Miscellaneous food products 	“For U.S. industries that produced similar products, it is difficult to identify a major adverse U.S. employment effects.”
1993	<ul style="list-style-type: none"> • SIC 018—Horticulture specialties 	“The growth of ATPA imports for these horticultural items has not [been] particularly large and therefore it is difficult to identify any significant adverse U.S. employment effects due to the ATPA program.”

¹ For the purposes of relating foreign trade statistics to U.S. industrial output and employment, the Bureau of the Census has mapped 10-digit Harmonized Tariff Schedule (HTS) numbers used for U.S. exports and import statistics to their closest North American Industry Classification System (NAICS)-based code, based on NAICS 2002. Prior to 2002, they were classified using the Standard Industrial Classification (SIC) system.

Source: Compiled from previous editions of this report, available at <http://www.dol.gov/ilab/media/reports/otla/atpamain.htm>.